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Our ref
2129/5254/30811886
Your ref

Date
28 September 2004

**Application by the Tyne & Wear Passenger Transport Authority under the Transport & Works Act 1992
Proposed River Tyne (Tunnels) Order (the "Proposed Order")**

Dear

We enclose by way of service, the following:-

1. Paper of draft amendments to the proposed River Tyne (Tunnels) Order;
2. Substitute land plans;
3. Herbert Smith's letter dated 18th June 2004 addressed to South Tyneside Metropolitan Borough Council together with enclosures;
4. Letter in response from South Tyneside Metropolitan Borough Council dated 23rd July 2004.

These documents are served upon you in your capacity as [Capacity] because the application for the River Tyne (Tunnels) Order relates to [Relevant Works].

On 14th November 2003 the Department for Transport wrote to the TWPTA and others to seek comments on certain matters before coming to a decision on the application for the application for the proposed Order. The Secretary of State invited comments upon the status of any open space which would be compulsorily acquired under the proposed Order. At paragraph 9 of his letter, the Secretary of State required information on two questions:-

- (a) Is any of the land that would be subject to compulsory acquisition powers under the proposed Order "open space" as defined in Section 19(4) of the [Acquisition of Land Act 1981], that is "land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground"? and

Herbert Smith is regulated by the Law Society. A list of the names of the partners and their professional qualifications is open to inspection at the above office. The partners are either solicitors or registered foreign lawyers.

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- (b) Does the TWPTA propose to apply to the First Secretary of State for any certificates under the [Acquisition of Land Act 1981] for the purposes of this scheme and, if so, when and in relation to which land?

The answers to the Secretary of State's two questions are:

- (a) "yes", certain areas of land are "open space" as defined in Section 19(4). These areas of land are confined to South Tyneside. The TWPTA has entered or is entering into agreements with the relevant owners (principally South Tyneside Metropolitan Borough Council); and
- (b) "no", accordingly the TWPTA will not need to make applications for certificates under the 1981 Act.

Because it is now proposed that this land will be acquired by agreement, the TWPTA no longer proposes to seek powers of compulsory acquisition over the land in question. It will acquire the land pursuant to agreements with South Tyneside Metropolitan Borough Council and others instead. Therefore, the relevant parcels may be removed from the powers of compulsory acquisition under the proposed Order. Certain other amendments to the proposed Order are also required in each case in addition to amendments agreed during and reported to the public inquiry. These include provisions to ensure that where land (including open space) is acquired by agreement, the same provisions apply for compensation of those benefiting from easements or covenants affecting the land as when the land in question was acquired by compulsory acquisition. The relevant changes to the proposed Order are set out in the paper of amendments herewith. It will also be necessary to substitute certain plans that accompanied the draft Order and copies of the plans to be substituted are served upon you at A3 size with this letter.

Copies of the documents accompanying this letter, together with the original application, and of all plans and other documents submitted with the application, may be inspected free of charge at the following locations and times until 17th November 2004:

- (a) The Civic Centre, Newcastle Upon Tyne NE1 8PD; between the hours of 10.00am and 4.00pm Monday to Friday.
- (b) Jarrow Library, Cambrian Street, South Tyneside:
Monday 9.30am – 12.30pm; 1.30pm - 7.00pm;
Tuesday 9.30am – 12.30pm; 1.30pm – 5.00pm;
Wednesday 9.30am – 1.00pm;
Thursday 9.30am – 12.30pm; 1.30pm – 7.00pm;
Friday 9.30am – 12.30pm; 1.30pm – 5.00pm;
Saturday 9.00am – 1.00pm;
- (c) Howdon Library, Churchill Street, North Tyneside:
Monday 9.00am – 1.00pm;
Tuesday 9.00am – 1.00pm; 2.00pm – 7.00pm;
Thursday 9.00am – 1.00pm;
Friday 9.00am – 1.00pm;
Saturday 9.00am – 1.00pm; 2.00pm – 5.00pm

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Letter To

Any representations about, the proposed amendments to the application referred to above should be sent to the Secretary of State for Transport c/o the TWA Orders Unit, Zone 9/02, Department for Transport, Southside, 105 Victoria Street, London, SW1E 6DT on or before 15th November 2004. A representation MUST (i) be received by the Secretary of State on or before 15th November 2004, (ii) be made in writing, (iii) state the grounds of the objection or representation and (iv) indicate who is making the representation, and (v) give an address to which correspondence relating to the representation may be sent.

The Secretary of State may make representations public and will copy them to the applicant for the order.

Yours faithfully

Herbert Smith

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